

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1, 3-9, 11-16, 18-35, and 37-44 are pending in the present application. Claims 1, 8, 16, 23, and 35 are the independent claims.

Claims 2, 10, 17, and 36 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 1, 8, 16, and 35 have been amended. No new matter is believed to have been added.

Initially, Applicants acknowledge with appreciation the indication that claims 23-30 and 34 are allowed. Applicants have not amended any of these claims and respectfully submit that claims 23-30 and 34 should remain allowed.

Claims 1-22, 31-33, and 35-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0101808 (Seo). All rejections are respectfully traversed.

Independent claim 1 recites, inter alia, that a monitor photo diode comprises a first gain for when a command is issued to output a preheating overpower to a laser diode and a second gain other than the first gain for when a command is issued to output a write or a read power to the laser diode.

Independent claim 8 recites, inter alia, that gain selector differentiates between when a first command is issued to output a preheating overpower to a laser diode and when a second command issued to output a write or a read power to the laser diode is issued, and issues a first gain when the first command is issued and a second gain when the second command is issued.

Independent claim 16 recites, inter alia, that first gain varies depending on whether a disk is a CD or a DVD, and a second gain varies depending on whether a first command is issued to output a preheating overpower to a laser diode or a second command is issued to output a write or a read power to the laser diode is issued.

Independent claim 35 recites, inter alia, that a detection unit receives an input signal corresponding to a type of optical signal to be output, selects an adjustment factor from a plurality of adjustment factors corresponding to the input signal, and adjusts the detected optical power signal according to the selected adjustment factor.

By the aforementioned features, power levels can be determined based on whether a

preheating operation or a recording/reproducing operation is to be performed. Thus, efficiencies can be realized.

However, Applicants respectfully submit that Seo does not teach at least the aforementioned features of amended independent claims 1, 8, 16, and 35 for at least the reasons set forth below.

Seo relates to an adaptive recording control method and apparatus for high density optical recording and discusses an APC circuit including a switching amplifier 304 which applies a predetermined gain to a photodiode signal and a comparator 306 that compares the amplified signal from the amplifier to a reference power level. (Seo, paragraphs [0069] – [0070]; FIGS. 9 and 10). Seo teaches that a mark is formed with a power level determined according to the correlation between the mark to be recorded and space between marks. Stated another way, power levels depend on data (marks) to be recorded.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 8, 16, and 35 under 35 U.S.C. § 102 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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